

Appln No. 09/975,521

Amdt date June 4, 2004

Reply to Office action of March 11, 2004

**REMARKS/ARGUMENTS**

Claims 1-5, 9, 10, 13-15, 19-22, and 24-29 are pending in this application, of which claims 1, 13, 24 and 29 are independent. Claim 1 has been amended. Claims 24-29 have been added. The amendments and new claims add no new matter and find full support in the application as originally filed. In view of the above amendments and following remarks, Applicant respectfully requests reconsideration and a timely indication of allowance.

**Rejections Under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 1, 2, 9, 11 and 12 under 35 U.S.C. § 102(b) as allegedly being anticipated by DiVito (U.S. Patent No. 4,842,326). It is respectfully submitted that the claims as amended are not anticipated by DiVito. Claim 1 has been amended to more clearly recite the invention. Claim 1 recites a toy vehicle comprising "a vehicle chassis having at least one attachment location; and one of a plurality of stylistically different interchangeable vehicle body modules having an attachment mechanism for removably securing the body module to the attachment location of the vehicle chassis, wherein the attachment location and the attachment mechanism include **means for forming a press fit coupling between the vehicle chassis and the body module.**" (Emphasis Added.)

DiVito discloses a motor vehicle having interchangeable rear body modules. The Examiner asserts that FIG. 10 of DiVito shows "a press fit, interlocking coupling between the chassis and the body modules." (Current Office action, pages 2 and 3, paragraph 4.) Applicant respectfully submits that DiVito discloses an interlocking couple and not a press fit coupling as

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claimed. Claim 1 requires a press fit coupling, and not an interlocking coupling.

DiVito discloses in FIGs. 10(A)-10(D) an interlocking coupling of a rear body module 26 to a "core vehicle" 36 (as opposed to a vehicle chassis as claimed in claim 1), and does not disclose a press fit coupling of a rear body module 26 to a vehicle chassis 36. As explained in DiVito in the paragraph extending from Col. 8, line 56 to Col. 9, line 60, the rear body module 26 and the core vehicle 26 have "alignment and connector elements 45-54." To align the rear body module 26 with the core vehicle 26 when it is desired to attach the rear body module 26 to the core vehicle 26, the alignment pins are placed within the corresponding connector elements. These pins do not form a press fit connection with the connector elements. Instead, the pins are loosely placed within the connector elements and serve merely to align the rear body module 26 with the core vehicle 26. Thus, the pins do not secure the rear body module 26 to the core vehicle 26.

Rather, it is the "'Quick-change' connectors 48" which operate as simple "suitcase-type bale and hook" attachments that secure the rear body module 26 to the core vehicle 26. This type of connection forms what the Examiner describes as an "interlocking coupling between the chassis and the body modules." (Current Office action, pages 2 and 3, paragraph 4.) However, Applicant respectfully submits that this arrangement does not provide "a press fit coupling between the vehicle chassis and the body module" as specified by claim 1. Consequently, DiVito does not anticipate claim 1.

Claims 2 and 9 depend from claim 1. Claims 11 and 12 have been canceled. Claim 1 is now believed to be in condition for allowance over DiVito. As such, Applicant submits that claims 2 and 9 are also allowable over DiVito as being dependent from an

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allowable base claim and for the additional limitations they contain therein.

Accordingly, Applicant respectfully requests that the rejection of claims 1, 2 and 9 over DiVito under 35 U.S.C. § 102(b) be withdrawn.

### **New Claims**

Claims 24-29 have been added. Claim 24 is directed to a toy vehicle comprising: "a vehicle chassis having at least one attachment location; and one of a plurality of stylistically different interchangeable vehicle body modules having an attachment mechanism for removably securing the body module to the attachment location of the vehicle chassis, **wherein each of the plurality of body modules comprises an interchangeable front body module and an interchangeable rear body module.**" (Emphasis Added.)

DiVito only teaches the interchangeability of rear body modules to its vehicle and does not teach the interchangeability of both front and rear body modules as specified by claim 24. DiVito shows in FIGs. 1-5 different vehicle body styles each having interchangeable rear body modules removably attached to a core of the vehicle. However, although these figures each show a vehicle having a different front body style, nowhere does DiVito disclose, teach or suggest that these different front body styles may be interchangeably attached to the vehicle chassis. Rather, DiVito simply suggests that each of the various styles of cars shown in FIGs. 1-5 may have interchangeable rear body modules. As such, DiVito does not disclose, teach or suggest that "each of the plurality of body modules comprises an interchangeable front body module and an interchangeable rear body module," as specified by claim 2. As such, Applicant respectfully submits that claim 24 is in

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condition for allowance over DiVito. Claims 25-28 depend from claim 24. As such, Applicant submits that claims 25-28 are also in condition for allowance over DiVito as being dependent from an allowable base claim and for the additional limitations they contain therein.

Claim 29 is directed to a toy vehicle comprising "a vehicle chassis having at least one attachment location; and one of a plurality of stylistically different interchangeable vehicle body modules having an attachment mechanism for removably securing the body module to the attachment location of the vehicle chassis, **wherein the vehicle is foot powered such that the vehicle is propelled when a user pushes the user's foot against a surface while the user is seated on the chassis and the vehicle is on the surface.**" (Emphasis Added.)

Divito on the other hand discloses a full sized motor vehicle and does not disclose, teach or suggest a foot powered vehicle as specified by claim 29. As such, Applicant respectfully submits that claim 29 is in condition for allowance over DiVito.

#### **Allowable Subject Matter**

The Examiner states that "claims 3-5 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims."

However, although Applicant appreciates the Examiner's recognition of claims 3-5 and 10 as being allowable if rewritten in independent form, Applicant respectfully submits that claim 1 is now in condition for allowance over DiVito and that claims 3-5 and 10 are each allowable as being dependent from an allowable base claim and for the additional limitations they contain

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therein. The Examiner has also indicated that claims 13-15 and 19-22 are allowed.

In view of the above amendments and remarks, Applicant respectfully submits that claims 1-5, 9, 10, 13-15, 19-22 and 24-29 are in condition for allowance, and a timely indication of allowance is respectfully requested. If there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated.

Respectfully submitted,  
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